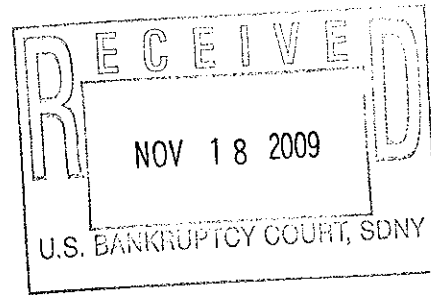


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Bankruptcy Case 08-1789(BRL)

OPPOSITION TO DETERMINATION OF TRUSTEE  
AND REQUEST FOR HEARING  
ACCOUNT 1ZA159, CLAIM #68

This account was established in the early 1990s by Claimant and various withdrawals and additions were made as detailed below. In a Determination made October 19, 2009 (but not received by Claimant until October 23, 2009) the Trustee states that Claimant's withdrawals exceeded his deposits by \$232,165.06 and therefore he is not entitled his protections under SIPA. For the reasons stated below, Claimant disputes this Determination and claims the full value of his account as shown on the last statement of BMIS, November 30, 2008. For the record Claimant states that he had no knowledge of the transgressions of BMIS and had knowledge of and relied upon the protections accorded to him by SIPA.

For the reasons stated in the Memorandum Claimant filed with the Bankruptcy Court on November 13, 2009, claimant disputes the definition of "net equity" used by the Trustee and believes that the proper definition of that term is the 11/30/08 balance on his Madoff statement. In the alternative, Claimant believes that his cash balance for each calendar period in question must be increased or decreased either by the value of what money would have earned during that calendar period had it been invested in a standard group of large cap publicly traded corporations, or by what that money would have earned in short term US Government bonds. These earnings should be compounded each quarter.

Referring to Table I "Deposits" of the Trustee's accounting, Claimant agrees with all except the 2d line referring to a transfer from 1ZR25630. Claimant has requested from the Trustee all records which he has concerning 256 but has received nothing. His claim on Account 256 has not yet been "Determined" and therefore Claimant cannot fully respond regarding this transfer and whether the amount and the adjusted amount are correct and therefore denies their correctness.

Referring to Table I "Withdrawals" Claimant agrees with all entries after December 31, 1996. Regarding the alleged transfer of 1/12/96, Claimant has requested but has not received from the Trustee all record which he has concerning Account 1ZR25630 but has received nothing. His claim as to Account 256 has not yet been "Determined" and therefore Claimant cannot fully respond regarding this transfer and whether the amount and the adjusted amount are correct and therefore denies their correctness.

As to all entries on or before 12/31/96, Claimant denies such withdrawals occurred. As can be seen from all the withdrawals after that date, Claimant did not withdraw odd sums of money from this account. Claimant states that he has no memory of withdrawing these sums from his account. Claimant demands that any records of BMIS in the possession of Trustee for Account 159 be produced so that they may be examined by Claimant. Regretably, early in 2008 Claimant recycled his pre-1997 BMIS records and only has a few of these documents in his possession.

Respectfully submitted,

                    s/                      
Date: 11/14/09

CERTIFICATE OF SERVICE

I certify that I served a copy of this document by US First Class mail on the Trustee and the Bankruptcy Court at the addresses given in the Notice Of Determination on the date stated above.

                    s/                      
Marshall W. Krause, Claimant